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09/058,170	04/10/1998	TERRY M. BLEIZEFFER	ST9-97-130/C	7179

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ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 10/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on ___July/30/2002 Appeal Brief___.
- ☐ This action is **FINAL.**
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) ___1-48___ is/are pending in the application.

  Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) ___1-2, 11-14, 23-26, 35-38 AND 47-48___ is/are rejected.
- ☒ Claim(s) ___3-10, 15-22, 27-34 AND 39-46___ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
    - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
    - ☐ received.
    - ☐ received in Application No. (Series Code/Serial Number) _____ .
    - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

  *Certified copies not received: _____ .

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other_____

Office Action Summary

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 18

Serial Number: 09/058,170
Filing Date: 10 April 1998
Appellant(s): Terry M. Bleizeffer et al.

☞ MAILED ☜

OCT 1 1 2002

Technology Center 2100

Frank L. Bernstein
 For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 30 July 2002.

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(1)   Real Party in Interest

A statement identifying the real party in interest in contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the

brief.

(3)   *Status of claims*.

The statement of the status of claims contained in the brief is correct.

(4)   *Status of Amendments After Final.*

The appellant's statement of the status of amendments in response to the final rejection

contained in the brief is correct.

(5)   *Summary of invention.*

The summary of invention contained in the brief is correct.

(6)   *Issues.*

The examiner does not agree with the issues set forth in the appellants' Appeal Brief.

Appellants state does Benton teaching of "creating" or "modified" suggest leading a user through

a program procedure to accomplish at least of loading, installation, migration, fallback, and

update by directing a user to a display screen from which program parameters may be change in

recited claims 1, 11-13, 23-25, 35-37, and 47-48? However, the issue with respect to these claims

is whether they are patentable over Benton and Paterson as rejected under 35 U.S.C. 103.

Further, the examiner does not agree with Appellants's question that " does prior art teach

a user through a program depending whether the user was an expert or a non-expert in the steps

of at least one of loading, installation, migration, fallback, and update tasks as recited in claims 2-

6, 14-17, 26-29, and 38-40?". The claims stated in this issue are incorrect. The issue is whether

claims 2-6, 14-18, 26-30, and 38-42 are patent over Benton, Paterson, and Massaro as rejected

under 35 U.S.C. 103.

(7)   *Grouping of claims.*

Appellant's brief includes a statement that the rejected claims Group I and II stand or fall

together. The reasons as to why Appealant believes the claims to be separately patentable are set

forth in the Argument section of this Brief. However, the grouping of claims is incorrect.

Appellants failed to identify claims 18,30, 41-42 which are rejected as set forth above. The correct

grouping of claims is as follow:

Group I: Claims 1, 11-13, 23-25, 35-37, and 47-48 stand and fall together.

Group II: Claims 2-6, 14-18, 26-30, and 38-42 stand and fall together.

(8)   *Claims appealed.*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   *Prior Art of record.*

The following is a listing of the prior art of record relied upon in the rejection of claims

under appeal.

6,069,629   Paterson et al.   30 May 2000

| 5,675,756 | Benton et al. | 07 Oct. 1997 |
| 5,535,321 | Massaro et al. | 09 July 1996 |

(10)   *New prior art.*

No new prior art has been applied in this examiner's answer.

(11)   ***Grounds of rejection.***

The following ground(s) of rejection are applicable to the appealed claims:

1.   Claims 1, 11-13, 23-25, 35-37 and 47-48 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Benton et al. (USPN: 5,675,756) hereinafter Benton in view of Paterson et al.

(USPN: 6,069,629) hereinafter Paterson.

As per claims 1(method), 13(system), 25(computer program),   and 37(computer-

readable); Benton teaches a method substantially as claimed. Benton discloses a method for

leading a user through a program procedure on a computer to accomplish <u>at least one of loading,</u>

<u>installation, migration, fallback, remigration, and updated tasks of a program</u> as the technique of

represents process graphic editing within an MCUI 300 for creating and <u>modifying</u> the system and

application database 100, 130, respectively. The user 80 can direct the processor portion 50 in

Fig. 2 to pull the <u>process graphic editor software into the processor 50 for use by the user 80</u>.

Thus in Fig. 4 represents the processor 50 with the process graphic 52 running. The process

graphic editor 52 allows the user to <u>create</u>, <u>modify</u>, and delete graphic display files 134. When the

graphic display editor 52 is running, information within the system and <u>application database 100,</u>

<u>130 can be accessed and changed</u>(see column 7, lines 47-57), a method comprises:

       displaying a window to the user providing information regarding parameters of the

program is taught by Benton as the technique of MCUI (Monitoring Control User Interface) 300

(see Fig. 2) in order to include the physical devices 20, 30, 40 within the application database. The

physical devices 20, 30, 40 can be directly coupled to a process control device PCD 92 (see

column 6, lines 16-24) wherein physical device 30 has several parameters 32, 34, 36, 38

associated with it (see column 6, lines 35-36), when the user enters point 136 for a multi-

parameter physical device 30, the user only needs to select the pointgroup template 112 for the

multi-parameter physical device...The point template 111 <u>can be chosen from a point dialogue</u>

<u>screen</u> (see column 8, lines 14-22) wherein a user could create an on/off switch from graphical

symbols placed into a software by the designers in order for the user to create a graphical switch

for monitoring and/or controlling the physical switch within the control structure (see column 2,

lines 29-33).

       Benton, however, does not disclose the limitation of transferring the user from the

window to a parameter input window associated with one of the parameters selected by the user

to be set or changed, wherein the user provides information in the parameter input window to set

or changes the value of the parameter, the parameter input window being the only location where

the parameters need to be set or changed.

Paterson discloses the limitation of transferring the user from the window to a parameter

input window associated with one of the parameters selected by the user to be set or changed,

wherein the user provides information in the parameter input window to set or changes the value

of the parameter, the parameter input window being the only location where the parameters need

to be set or changed as the technique of the diagram object 54 Fig. 3 may include state, function,

modifier and links objects which are represented respectively by state nodes, function nodes,

modifier icons within the diagram window. The objects 56-64, each defined respective windows

(or panels) which are overlaid on a diagram window to present selected information regarding the

modeled system, and to facilitate user interaction with the model (see column 4, lines 39-46 and

Fig. 3), Fig. 23 shows a GUI 440, which includes a diagram window 442 in which the simulation

model 430 is displayed. The GUI 440 further comprises a first access panel 444, which includes

parameter information and working values for parameters relating to the birth and death rates of

the predators within the simulation model 430. The second access panel 446 is shown to include

parameter identification and working values for parameters relating to starting population of both

predators and prey within a simulation model 430 (see column 21, lines 6-15), and in order to

accommodate the need to view and access a user-selected group of parameters within a

simulation model, the present invention providing a mechanism by which a modeler can create

group of parameters "aliases" within windows or panels that can be overlaid, or displayed aong

side, a diagram window and that are distinct from the diagram panel (see column 13, lines 29-35)

a value for at least one of the object parameters is then inputted by a user via the access panel (see

abstract);

It would have been obvious to one having ordinary skilled in the art at the time the

invention was made to include the limitation of transferring the user from the window to a

parameter input window associated with one of the parameters selected by the user to be set or

changed, wherein the user provides information in the parameter input window to set or changes

the value of the parameter, the parameter input window being the only location where the

parameters need to be set or changed by Paterson for that of Benton's invention. By doing so, the

system would be enhanced by providing better edit tools in term of easy access panel which

distinct from diagram window in order allowing user to edit, update and control desired

parameter(s) based on user desired manner.

As per claims 11(method), 23(system), 35(computer program),   and 47(computer-

readable); Benton discloses the invention substantially as claimed. Benton, however, does not

disclose the limitation of preventing the user from selecting to set or change a value of the

parameter for at least one of the parameter.

Paterson discloses the limitation of preventing the user from selecting to set or change a

value of the parameter for at least one of the parameter as the technique of using button

CANCEL to prevent user from set or change parameter (see Fig.5) and the baseline value is

specified by the origional builder of a simulation model in which the relevent parameter is utilized,

and can not be modified directly by a user(see column 5 lines 49-52).

It would have been obvious to one having ordinary skilled in the art at the time the

invention was made to include the limitation of preventing the user from selecting to set or change

a value of the parameter for at least one of the parameter by Paterson for that of Benton's

invention. By doing so, the system would be enhanced by providing security tools to system itself

in order to insure the system work properly based on designer's specification.

As per claims 12(method), 24(system), 36(computer program), and 48(computer-

readable); the limitation of wherein a parameter must be modified is taught by Benton as the

technique of represents process graphic editing within an MCUI 300 for creating and modifying

the system and application database 100, 130, respectively. The user 80 can direct the processor

portion 50 in Fig. 2 to pull the process graphic editor software into the processor 50 for use by

the user 80. Thus in Fig. 4 represents the processor 50 with the process graphic 52 running. The

process graphic editor 52 allows the user to create, modify, and delete graphic display files 134.

When the graphic display editor 52 is running, information within the system and application

database 100, 130 can be accessed and changed(see column 7, lines 47-57). These claims are

therefore rejected for the reason as set forth aboved.

2.   Claims 2, 14, 26 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Benton et al. (USPN: 5,675,756) hereinafter Benton in view of Paterson et al. (USPN: 6,069,629)

hereinafter Paterson and further in view of Massaro et al. (USPN: 5,535,321) hereinafter

Massaro.

As per claims 2(method), 14(system), 26(computer program), and 38(computer-

readable); Benton-Paterson disclose the invention substantially as claimed. Benton-Paterson,

however, do not disclose the limitation of prior displaying a window to the user, the user is

provided with at least two interaction path options, a first one of the interaction path option being

a non-expert path and a second one of the interaction path option being an expert path.

Massaro discloses the limitation of the user is provided with at least two interaction path

options, a first one of the interaction path option being a non-expert path and a second one of the

interaction path option being an expert path as the technique of assistance level window 26 is

utilized, in accordance with the method and apparatus of the present invention, to permit a user to

identify the current level of assistance, or complexity specified for the function identified within

function identifier...., a desired level of complexity for the function identified within function

identifier 24(see column 3 line 64 to column 4 line 7 and also see Fig. 3) and multiple user

interfaces are established for selected functions within a multiple function application. Each of the

multiple user interfaces preferably has a different level of complexity. User profiles for selected

users within the data processing system are then utilized to specify desired level of complexity for

particular functions for each selected user (see abstract).

It would have been obvious to one having ordinary skilled in the art at the time the invention was made to pre-implement the limitation of the user is provided with at least two interaction path options, a first one of the interaction path option being a non-expert path and a second one of the interaction path option being an expert path by Massaro into that of Benton-Paterson's combined invention. By doing so, the system would be enhanced by supplying users with both expert and non-expert paths wherein user can select optional path based on user's skill level.

Allowable Subject Matter

3.   Appellants brief is persuasive with respect to claims 3-6, 15-18, 27-30, and 39-42. Claims 3-10, 15-22, 27-34, and 39-46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base cliam and any intervening claims.

4.   Appellants brief is persuasive with respect to claims 3-6, 15-18, 27-30, and 39-42. The following is an examiner's statement of reasons for allowance:

The examiner has carefully considered each of the four dependent claims 3, 15, 27, and

39; except system, computer program and computer readable medium instead of method claim.

The Examiner also carefully reconsidered each of the four dependent claims 7, 19, 31, and 43

drawn to the limitation of when the user has selected the expert path, window list any of the

parameters of the program which may be modified by the user(see claims 7, 19, 31 or 43).

The prior arts of record fail to anticipate or make obvious the claimed invention. Specially,

the prior arts fail to teach, in combination with the remaining limitation of wherein prior displaying

a window to the user, a choice window is displayed to the user, wherein the user is provided with

at least two interaction path options, a first one of the interaction path being a non-expert and a

second one of the interaction being an expert path and wherein, when the user has selected the

non-expert path, the window is an information window providing information regarding a

parameter of the program (see claim 3, 15, 27, and 39).

Riley (USPN: 5,896,138), Cousins et al. (USPN:5,673,404), Paterson et al. (USPN:

6,069,629), Lane et al. (USPN: 4,873,623), and Benton et al. (USPN:5,675,756) are teaching for

defining, accessing, editting, re-editting, linking, updating parameter(s)/attribute(s) in window

environment. But, none of them teaching any of the below:

wherein prior displaying a window to the user, a choice window is displayed to the user,

wherein the user is provided with at least two interaction path option, a first one of the interaction

path being a non-expert and a second one of the interaction being an expert path and wherein,

when the user has selected the non-expert path, the window is an information window providing

information regarding a parameter of the program.

(12)   *New ground of rejection.*

This Examiner's Answer contains no new grounds of rejection.

(13)   *Response to Argument.*

Appellants argue on page 5, lines 4-5 that " Benton fails to disclose any system or method

allowing user to modify, in any way, any parameters used by the program for its internal

operation.". Examiner do not agree on this argument because this feature is taught by Benton as

the technique of the user 80 can direct the processor portion 50 in Fig. 2 to pull the process

graphic editor software into the processor 50 for use by the user 80. Thus in Fig. 4 represents the

processor 50 with the process graphic 52 running. The process graphic editor 52 allows the user

to create, modify, and delete graphic display files 134. When the graphic display editor 52 is

running, information within the system and application database 100, 130 can be accessed and

changed(see column 7, lines 47-57).

On page 5 lines 15-18, Appellants argue that " Program parameters are different from data

upon which the program operates. Neither Benton nor Paterson teaches or reasonably suggests

that a user may modify program parameters that affect the way in which a program operates. Both

Benton and Paterson direct the user in changing data, not parameter.". Examiner do not agree to

this argument because **parameter has definition itself as any constant, with variable values,**

used as a referent for determining other variables and Paterson discloses changing parameter

as a set of object parameters of the simulation model are identified for inclusion within the access

panel...A value for at least one parameter of the set of object paramters is then received via the

access panel (see column 2, lines 32-38). Fig. 4 in Paterson is representation of the interaction

between software illustrated in Fig. 3 and GUIs operation on various software platforms (see

column 2 lines 58-40) and GUI (WINDOWS 98/NT)82 and GUI (HTML/JAVA) 84 (see Fig. 4).

On page 6 lines 5-7, Appellants argue that "Therefore, Appellants submit that Benton

cannot possibly teach or suggest a procudure to guide a user in program update or maintenance,

as recited in Group I claims.". Examiner do not agree to his argument because Benton discloses a

method for leading a user through a program procedure on a computer to accomplish at least one

of loading, installation, migration, fallback, remigration, and updated tasks of a program as the

technique of represents process graphic editing within an MCUI 300 for creating and modifying

the system and application database 100, 130, respectively. The user 80 can direct the processor

portion 50 in Fig. 2 to pull the process graphic editor software into the processor 50 for use by

the user 80. Thus in Fig. 4 represents the processor 50 with the process graphic 52 running. The

process graphic editor 52 allows the user to create, modify, and delete graphic display files 134.

When the graphic display editor 52 is running, information within the system and application

database 100, 130 can be accessed and changed(see column 7, lines 47-57).

On page 6 lines 17-19, Appellants argue that "None of these above described parameters

in Benton relates in any way to the computer program parameters needed by the automated

control/monitoring system for proper operation within a computer operating system such as

Windows NT.". Examiner do agree that Benton Benton lacking program parameters needed by

the automated control/monitoring system for proper operation within a computer operating

system such as Windows NT but these parameters is taught by Paterson as the technique of

changing parameter as a set of object parameters of the simulation model are identified for

inclusion within the access panel...A value for at least one parameter of the set of object paramters

is then received via the access panel (see column 2, lines 32-38). Fig. 4 in Paterson is

representation of the interaction between software illustrated in Fig. 3 and GUIs operation on

various software platforms (see column 2 lines 58-40) and GUI (WINDOWS 98/NT)82 and GUI

(HTML/JAVA) 84 (see Fig. 4).

On page 8 lines 8-10, Appellants argue that "Appellants submit that the Benton/Paterson

combination fails to teach or reasonably suggest leading a user through a program procedure to

accomplish at least one of loading, installation, migration, fallback, remigration, and update

tasks.". Examiner do not agree to this argument because this feature is taught by Benton as the

technique of represents process graphic editing within an MCUI 300 for creating and modifying

the system and application database 100, 130, respectively. The user 80 can direct the processor

portion 50 in Fig. 2 to pull the process graphic editor software into the processor 50 for use by

the user 80. Thus in Fig. 4 represents the processor 50 with the process graphic 52 running. The

process graphic editor 52 allows the user to create, modify, and delete graphic display files 134.

When the graphic display editor 52 is running, information within the system and application

database 100, 130 can be accessed and changed(see column 7, lines 47-57).

On page 8 lines 18-21, Appellants argue that " Benton and Paterson teach how data used

by a control or simulation program may be changed by a user, but neither reference, nor its

combination, teaches or suggests a method for a user changing program parameters that direct at

least one of loading, installation, migration, fallback, remigration, and update tasks.". Examiner

do agree that Benton lacking the step of changing program parameters. But it would have been

obvious to one having ordinary skilled in the art to imply the teaching of Paterson changing

program parameters (a set of object parameters of the simulation model are identified for

inclusion within the access panel...A value for at least one parameter of the set of object paramters

is then received via the access panel (see column 2, lines 32-38). Fig. 4 in Paterson is

representation of the interaction between software illustrated in Fig. 3 and GUIs operation on

various software platforms (see column 2 lines 58-40) and GUI (WINDOWS 98/NT)82 and GUI

(HTML/JAVA) 84 (see Fig. 4) into that of Benton's process graphic editor 52 allows the user to

create, modify, and delete graphic display files 134. When the graphic display editor 52 is running,

information within the system and application database 100, 130 can be accessed and changed(see

column 7, lines 47-57). By doing so, the system would be enhanced by allowing user to

change/modify parameter in any software platform based on user desired task.

On page 9 lines 18-19, Appellants argue that " Massaro does not determine how or in what order features are presented to a user but only the level of complexity presented to a user.". Examiner do not agree to this argument because determine how or in what order features is taught by Benton as the technique of process graphic editing within an MCUI 300 for creating and modifying the system and application database 100, 130, respectively. The user 80 can direct the processor portion 50 in Fig. 2 to pull the process graphic editor software into the processor 50 for use by the user 80. Thus in Fig. 4 represents the processor 50 with the process graphic 52 running. The process graphic editor 52 allows the user to create, modify, and delete graphic display files 134. When the graphic display editor 52 is running, information within the system and application database 100, 130 can be accessed and changed(see column 7, lines 47-57). Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to include a desired level of complexity for the function identified within function identifier 24 and multiple user interfaces are established for selected functions within a multiple function application. Each of the multiple user interfaces preferably has a different level of complexity. User profiles for selected users within the data processing system are then utilized to specify desired level of complexity for particular functions for each selected user by Massaro to pre-implement the limitation of the user is provided with at least two interaction path options, a first one of the interaction path option being a non-expert path and a second one of the interaction

path option being an expert path by Massaro into that of Benton-Paterson's combined invention.

By doing so, the system would be enhanced by supplying users with both expert and non-expert

paths wherein user can select optional path based on user's skill level prior a window displayed

wherein the user can interact with.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
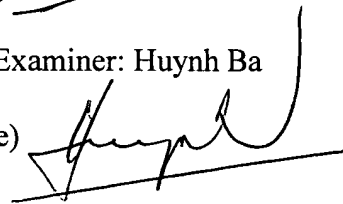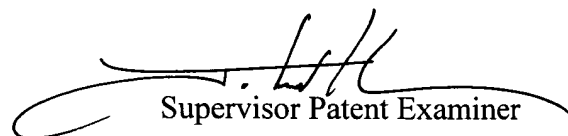
Examiner: Cuong T. Thai

Art Unit: 2173

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October 07, 2002

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